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 7 BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.
 [formerly known as SOUTHWEST MARINE, INC.]

(3)
 FILED
 JUN - 1 2007
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

E-filing

EDL

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 WILLIAM MATTHIS, JR.,

12 Plaintiff,

13 v.

14 ASBESTOS DEFENDANTS (B&P),

15 Defendants.

C 07 2866

N. BAE SYSTEMS SAN DIEGO SHIP
 REPAIR INC.'S NOTICE OF
 REMOVAL UNDER 28 U.S.C.
 SECTION 1442(a)(1)

17 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
 18 DISTRICT OF CALIFORNIA:

20 PLEASE TAKE NOTICE that defendant BAE SYSTEMS SAN DIEGO SHIP REPAIR
 21 INC., (formerly known as SOUTHWEST MARINE, INC., but hereinafter referred to as "BAE"),
 hereby petitions for removal of the above-entitled action from the Superior Court of the State of
 22 California, in and for the City and County of San Francisco, to this Court pursuant to 28 U.S.C.
 23 §§1442(a)(1) and 1446. This action is a civil action over which this Court has subject matter
 jurisdiction under 28 U.S.C. § 1331, as the action arises under the Constitution, laws, or treaties of
 24 the United States within the meaning of that statute by virtue of plaintiff's attempt to adjudicate
 claims with respect to persons acting under an officer of the United States pursuant to 28 U.S.C. §
 25 1442(a)(1). The grounds for removal are as follows:

1 1. On April 2, 2007, plaintiff filed a civil action in the Superior Court for the State of
 2 California in and for the County of San Francisco entitled *William Matthis, Jr. v. Asbestos*
 3 *Defendants (B&P)*, Case No. 274138 alleging personal injury - asbestos. BAE was personally
 4 served with the Summons and Complaint and a Preliminary Fact Sheet on May 4, 2007. The
 5 documents served on BAE are attached hereto as Exhibit A.

6 2. The Complaint does not identify the specific vessel or vessels on which plaintiff
 7 worked which allegedly caused plaintiff to be exposed to asbestos. However, plaintiff's Complaint
 8 states the exposure occurred at a BAE facility, (then known as Southwest Marine, Inc.) on an
 9 unidentified Navy vessel which work allegedly involved asbestos or asbestos containing products
 10 which allegedly caused and/or contributed to plaintiff's subsequent injury. The only ship on which
 11 plaintiff claims to have worked during the relevant time was "one unknown Navy ship." As such,
 12 the only claim of exposure as to BAE would relate to a Naval vessel.

13 3. According to plaintiff's interrogatory responses, plaintiff was employed by Owens-
 14 Corning Fiberglas at Southwestern Marine in San Diego. While working at this site, he worked on
 15 one unidentified Navy vessel installing insulation on pipes. A true and correct copy of plaintiff's
 16 Response to Defendants' Standard Interrogatories, Set One, is attached hereto as Exhibit B. Work
 17 performed on Naval and/or military vessels complied with all specifications and military
 18 requirements, including NAVSEA and NAVSHIPS regulations.

19 4. 28 U.S.C. § 1446(b) provides that where the case stated by the original pleading is
 20 not removable, a Notice of Removal must be filed within 30 days of receipt by the defendant of
 21 "other paper from which it may first be ascertained that the cause is one which is or has become
 22 removable." The elements of removability must be "specifically indicated" in the pleading or other
 23 "official paper" before the 30-day period begins to run. *Riggs v. Continental Baking Co.* (N.D. Cal.
 24 1988) 678 F.Supp. 236, 238. The allegations in the Complaint, along with plaintiff's Responses to
 25 Standard Asbestos Case Interrogatories arguably put BAE on notice that plaintiff's action was
 26 removable within the meaning of section 1446(b). BAE is, as required, filing this Notice of
 27 Removal within thirty days after receipt of its first notice of the removability of the action.

28 5. Plaintiff's Complaint claims BAE is liable for plaintiff's alleged asbestos-related

1 injuries on theory of premises owner/contractor liability. The purported basis of the claim against
 2 BAE is as a premises owner and for its alleged work on a Naval vessel on which plaintiff also
 3 worked.

4 6. BAE is entitled to remove this matter under 28 U.S.C. § 1442(a)(1) because BAE
 5 was acting under the direction of the United States Navy, United States military and/or federal
 6 officers of the United States within the meaning of 28 U.S.C. § 1442(a)(1) in working onboard any
 7 Navy vessel on which plaintiff claims exposure. *Mesa v. California* (1989) 489 U.S. 121, 103
 8 L.Ed.2d 99, 109 S. Ct. 959; *Pack v. ACandS, Inc.* (D. Md. 1993) 838 F.Supp. 1099, 1101. Since
 9 BAE performed work on a military vessel on which plaintiff worked, and such work was
 10 responsible for his injuries, said work was performed pursuant to contracts and specifications
 11 executed by an officer of the United States, including the United States Navy or under the direction
 12 and control of officers of the United States.

13 7. On the Navy vessels, BAE's work was performed pursuant to mandatory
 14 comprehensive and detailed specifications, plans and/or other drawings that were created,
 15 approved, and accepted by the United States Military and/or the United States Navy. Therefore,
 16 under the terms of its contract with the United States, BAE's work on these vessels was performed
 17 under the authority and control of officers of the United States.

18 8. In *Fung v. Abex Corp.* (N.D. Cal 1993) 816 F. Supp. 569, the Court addressed the
 19 propriety of the removal of a case involving plaintiff's alleged exposure to asbestos while aboard
 20 submarines manufactured by General Dynamics. In denying plaintiff's Motion to Remand, the
 21 Court stated that to satisfy removal under 28 U.S.C. § 1442(a), General Dynamics must show that it
 22 "(1) acted under the direction of a federal officer, (2) raised a federal defense to plaintiff's claims,
 23 and (3) demonstrated a causal nexus between plaintiff's claims and the acts it performed under
 24 color of federal office." *Id.* at 571-72.

25 9. During all phases of BAE's work on a Navy vessel pursuant to United States
 26 contracts and specifications, BAE performed its work under the control and supervision of officers
 27 of the United States Military including, but not limited to, Maritime Commission and/or the United
 28 States Navy. Moreover, BAE has asserted a federal defense to this action: immunity from liability

for injuries arising from any exposure to asbestos on the vessel, worked on by BAE and upon which plaintiff worked. See *Boyle v. United Technologies Corp.* (1988) 487 U.S. 500, 101 L.Ed.2d 442, 108 S. Ct. 2510; *Niemann v. McDonnell Douglas Corp.* (S.D. Ill. 1989) 721 F.Supp. 1019. Since BAE has raised a proper claim of having acted under color of a federal officer or agency in its work on the vessel upon which plaintiff claims exposure, removal of this civil action pursuant to 28 U.S.C. § 1442(a)(1) is proper. See *Williams v. Brooks* (5th Cir. 1991) 945 F. 2d 1322, 1325 fn.2.

10. Should plaintiff file a Motion to Remand this case, BAE respectfully requests an opportunity to respond more fully in writing, including the submission of affidavits and authorities.

11. BAE is not required to notify and obtain the consent of any other defendant in this action in order to remove plaintiff's action as a whole under 28 U.S.C. §1442(a)(1). *Ely Valley Mines, Inc. v. Hartford Accident & Indemnity Co.* (9th Cir. 1981) 644 F.2d 1310, 1315. The existence of a single removable claim allows removal of the entire action. *National Audubon Society v. Department of Water & Power of Los Angeles* (E.D.Cal. 1980) 496 F. Supp. 499, 509.

12. Notice of this removal has been filed with the State Court and provided to all adverse parties pursuant to 28 U.S.C. § 1446(d). A Notice of Tag-Along Action, identifying the coordinated pretrial proceedings in the Eastern District of Pennsylvania (In re Asbestos Products Liability Litigation, MDL Docket No. 875) to which this case may be transferred, will be filed with this Court.

WHEREFORE, BAE respectfully requests that this action be removed to this Court.

DATED: June 1, 2007

BUTY & CURLIANO LLP

By Madeline Butry

MADELINE L. BUTY

Attorneys for Defendant

BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.

EXHIBIT A

1 DAVID R. DONADIO, ESQ., S.B. #154436
2 ERIC C. SOLOMON, ESQ., S.B. #119131
3 BRAYTON♦PURCELL LLP
4 Attorneys at Law
5 222 Rush Landing Road
6 P.O. Box 6169
7 Novato, California 94948-6169
8 (415) 898-1555

9 Attorneys for Plaintiff

ENDORSED
FILED
San Francisco County Superior Court

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GORDON PARK-LI, Clerk

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Deputy Clerk

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DEPARTMENT 206

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

11 WILLIAM MATTHIS, JR.,
12 Plaintiff,
13 vs.
14 ASBESTOS DEFENDANTS (B♦P)
As Reflected on Exhibits B, B-1, C, H,
15 I; and DOES 1-8500; and SEE
ATTACHED LIST.

} ASBESTOS
No.

CGC-07-274138
COMPLAINT FOR PERSONAL INJURY -
ASBESTOS

17 1. Plaintiff WILLIAM MATTHIS, JR. was born October 30, 1955.
18 2. The ©Brayton♦Purcell Master Complaint for Personal Injury [and Loss of
19 Consortium]- Asbestos (hereinafter "Master Complaint") was filed January 2, 2003, in San
20 Francisco Superior Court. A copy of the Master Complaint and General Order No. 55 may be
21 obtained upon request from Brayton♦Purcell, and designated portions of the Master Complaint
22 are incorporated by reference herein pursuant to the authority conferred by General Order No. 55.
23 Plaintiff's claims are as set forth in said Master Complaint against defendants herein as follows:

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26 ///

THIS CASE IS SUBJECT TO
MANDATORY ELECTRONIC FILING
PURSUANT TO AMENDED G.O. 158

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3 BUCYRUS INTERNATIONAL, INC.
4 BECHTEL CORPORATION (DE)
5 SEQUOIA VENTURES, INC.
6 CROWN CORK & SEAL COMPANY, INC.
7 THOMAS DEE ENGINEERING CO., INC.
8 GARLOCK SEALING TECHNOLOGIES, LLC
9 GENERAL ELECTRIC COMPANY
10 OWENS-ILLINOIS, INC.
11 PARKER-HANNIFIN CORPORATION
12 PLANT INSULATION COMPANY
13 QUINTEC INDUSTRIES, INC.
14 RAPID-AMERICAN CORPORATION
15 THORPE INSULATION COMPANY
16 UNIROYAL HOLDING, INC.
17 VIACOM, INC.
18 WESTERN MacARTHUR COMPANY
19 MacARTHUR COMPANY
20 WESTERN ASBESTOS COMPANY
21 HONEYWELL INTERNATIONAL, INC.
22 DAIMLERCHRYSLER CORPORATION
23 FORD MOTOR COMPANY
24 GENERAL MOTORS CORPORATION
25 INTERNATIONAL TRUCK & ENGINE CORPORATION
26 MAZDA NORTH AMERICAN OPERATION
27 CSK AUTO, INC.
28 GOODLOE E. MOORE INC
29 HOOKER INDUSTRIES, INC.
30 NATIONAL STEEL AND SHIPBUILDING COMPANY
31 HOPEMAN BROTHERS, INC.
32 J.T. THORPE & SON, INC.
33 SOUTHWEST MARINE, INC.
34 CHEVRON PRODUCTS COMPANY
35 CHEVRON U.S.A., INC.
36 PACIFIC GAS & ELECTRIC COMPANY
37 SOUTHERN CALIFORNIA EDISON COMPANY
38 METROPOLITAN LIFE INSURANCE COMPANY
39 GATKE CORPORATION
40 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
41 UNDERWRITERS LABORATORIES, INC.
42 PNEUMO ABEX LLC
43 and DOES 1-8500,
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45 Defendants.
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	DEFENDANTS* ON EXHIBITS:												
Cause of Action	B	B-L	C	D	E	F	G	H	I	J	K	L	M
First (Negligence)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Second (Strict Liability)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Third (False Representation)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fourth (Loss of Consortium)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fifth (Premises Owner/Contractor Liability)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>											
Sixth, Seventh, Eighth (Unseaworthiness, Negligence [Jones Act], Maintenance and Cure)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ninth (Longshore and Harbor Workers Compensation Act [LHWCA])		<input type="checkbox"/>		<input type="checkbox"/>									
Tenth, Eleventh (F.E.L.A.)		<input type="checkbox"/>		<input type="checkbox"/>									
Twelfth, Thirteenth (Respiratory Safety Devices)		<input type="checkbox"/>		<input type="checkbox"/>									
Fourteenth, Fifteenth (Brake Shoe Grinding)		<input type="checkbox"/>		<input type="checkbox"/>									
Sixteenth (Concert of Action)		<input type="checkbox"/>		<input checked="" type="checkbox"/>									
Seventeenth, Eighteenth (Fraud, Deceit/Negligent Misrepresentation/Concealment)		<input type="checkbox"/>		<input checked="" type="checkbox"/>									
Nineteenth (Fraud/Deceit/Intentional Misrepresentation)		<input type="checkbox"/>		<input checked="" type="checkbox"/>									
Twentieth (Fraud/Deceit - Kent)		<input type="checkbox"/>		<input type="checkbox"/>									

*and their alternate entities as set forth in the Master Complaint or on any Exhibit.

1 3. Plaintiff's asbestos-related injury, date of diagnosis, employment status, and
2 history of exposure to asbestos are as stated on Exhibit A.

3 4. Plaintiff's claims against defendant VIACOM, INC. (successor by merger to
4 CBS CORPORATION which is successor-in-interest to WESTINGHOUSE ELECTRIC
5 CORPORATION) exclude military and federal government jobsites.

6 Dated: 4/1/07

BRAYTON♦PURCELL LLP

7 By:


8 David R. Donadio
9 Attorneys for Plaintiff

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EXHIBIT A

Plaintiff's exposure to asbestos and asbestos-containing products occurred at various locations both inside and outside the State of California, including but not limited to:

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Neighborhood Youth Corp. San Diego, CA	Naval Base 32 nd Street San Diego, CA	Mechanic (Helper)	6/1973-9/1973
US Army	Ford Ord Monterey, CA	Private	3/3/1974-4/1974 (6 weeks)
	US Army Fort Sill Lawton, OK	Private (E2)	4/1974-mid-May 1974 (6 weeks)
	US Army Fort Hood Army Base Killeen, TX	Artilleryman	mid-May 1974- 3/3/1977
National Steel & Shipbuilding	National Steel & Shipbuilding, San Diego, CA 2 unknown LSD naval ships	Welder	10/1977-3/1979
Thorpe Insulation	Naval Repair Facility 32 nd Street Annex San Diego, CA 1 unknown naval ship	Insulator	3/1979- 7/1979 (1 month)
	Thorpe Insulation Shop, Carson, CA		(3 months)
Thorpe Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	8/1979 (3 weeks)
Owens-Corning Fiberglas	National Steel & Shipbuilding, San Diego, CA 6-7 ships	Insulator	1979-1980; 1983; 1985 (on/off: about 4 years total)
	<u>ST. WORTH (MA-299)</u>		
	<u>EXXON VALDEZ (1986)</u>		
///			
///			EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Owens-Corning Fiberglas	Naval Repair Facility North Island San Diego, CA 3-4 aircraft carriers	Insulator	1979-1985
	RANGER (CVA-61)		
	KITTY HAWK (CVA-63)		
	CONSTELLATION (CVA-64)		
Owens-Corning Fiberglas	Naval Repair Facility 32 nd Street Annex San Diego, CA 4 unknown navy ships	Insulator	1979-1985
Owens-Corning Fiberglas	Southwest Marine San Diego, CA 1 unknown navy ship	Insulator	1979-1985
Desco Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	approximately 1981-1983 (3-4 months)
Thorpe Insulation			(approximately 6 months)
Owens-Corning Fiberglas			(4 months)
AC & S Insulation or Metalclad	Unknown Power Plant Newport Beach, CA	Insulator	1981 or 1982
P.W. Stevens	US Post Office Los Angeles	Insulator	1983
AC & S or Metalclad	Los Angeles Department of Water and Power, Los Angeles, CA	Insulator	1984
Metalclad	San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980s
Bechtel	San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980s
Thorpe Insulation	PG & E Diablo Canyon Powerhouse CA	Insulator	mid-1980s
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EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Thorpe Insulation	Chevron Refinery Wilmington, CA	Insulator	4/1985-6/1985
	Chevron Refinery Shop, Wilmington, CA		
Performance Contracting Inc.	National Steel & Shipbuilding, San Diego, CA	Insulator	1/1986-3/1986; 5/1986-12/1986

NON-OCCUPATIONAL EXPOSURE:

FRICITION EXPOSURE:

10 1967 FORD GTO: Plaintiff purchased a used car in 1979 or 1980. During that same year,
11 plaintiff replaced the original carburetor, original manifold, original header gaskets, and brakes.
12 Plaintiff purchased a HOOKER HEADERS gasket kit. Plaintiff was assisted by cousin Henry
Conwright, San Diego, California.

13 1981 MAZDA 626 Coupe: Plaintiff purchased this car new in 1981. Plaintiff replaced the original brakes and was assisted by cousin Henry Conwright, San Diego, California.

Plaintiff and his cousin, Henry Conwright, San Diego, California, purchased A.C. DELCO brakes for majority of the cars they worked on from KRAGEN, Euclid Avenue, San Diego, California; and AUTOZONE, Federal Boulevard, San Diego, California. Plaintiff currently contends that he was exposed to asbestos during these vehicle repairs.

Plaintiff's exposure to asbestos and asbestos-containing products caused severe and permanent injury to the plaintiff, including, but not limited to breathing difficulties, asbestosis, and/or other lung damage, and increased risk and fear of developing mesothelioma, lung cancer and various other cancers. Plaintiff was diagnosed with asbestosis on or about August 2006.

Plaintiff retired from his last place of employment as a result of becoming disabled due to both an illness and an injury not related to asbestos. He has therefore suffered no disability from his asbestos-related disease as "disability" is defined in California Code of Civil Procedure § 340.2.

EXHIBIT A

EXHIBIT BDEFENDANTS

3 BUCYRUS INTERNATIONAL, INC.	WESTERN MacARTHUR COMPANY
4 BECHTEL CORPORATION (DE)	MacARTHUR COMPANY
4 SEQUOIA VENTURES, INC.	WESTERN ASBESTOS COMPANY
5 CROWN CORK & SEAL COMPANY, INC.	HONEYWELL INTERNATIONAL, INC.
5 THOMAS DEE ENGINEERING CO., INC.	DAIMLERCHRYSLER CORPORATION
6 GARLOCK SEALING TECHNOLOGIES, LLC	FORD MOTOR COMPANY
6 GENERAL ELECTRIC COMPANY	GENERAL MOTORS CORPORATION
7 OWENS-ILLINOIS, INC.	INTERNATIONAL TRUCK & ENGINE
7 PARKER-HANNIFIN CORPORATION	CORPORATION
8 PLANT INSULATION COMPANY	MAZDA NORTH AMERICAN OPERATION
8 QUINTEC INDUSTRIES, INC.	CSK AUTO, INC.
9 RAPID-AMERICAN CORPORATION	GOODLOE E. MOORE INC
9 THORPE INSULATION COMPANY	HOOKER INDUSTRIES, INC.
10 UNIROYAL HOLDING, INC.	DOES 1-800
10 VIACOM, INC.	

ALTERNATE ENTITY

12 BUCYRUS INTERNATIONAL, INC.	BUCYRUS-ERIE MARION POWER SHOVEL COMPANY, THE OSGOOD COMPANY GENERAL EXCAVATOR COMPANY
14 CROWN CORK & SEAL COMPANY, INC.	MUNDET CORK COMPANY
16 GARLOCK SEALING TECHNOLOGIES, LLC	GARLOCK, INC. COLTEC INDUSTRIES, INC. FAIRBANKS-MORSE FAIRBANKS MORSE ENGINES BELMONT PACKING & RUBBER CO. GARLOCK PACKING CO. U.S. GASKET CO. GOODRICH CORPORATION ENPRO INDUSTRIES, INC.
21 GENERAL ELECTRIC COMPANY	MATTERN X-RAY HOTPOINT ELECTRIC APPLIANCE COMPANY LIMITED TRUMBULL ELECTRIC MANUFACTURING COMPANY G E INDUSTRIAL SYSTEMS CURTIS TURBINES PARSONS TURBINES GENERAL ELECTRIC JET ENGINES
25 SEQUOIA VENTURES, INC.	BECHTEL CORPORATION (DE)
26 UNIROYAL HOLDING, INC.	UNIROYAL, INC.
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EXHIBIT B

EXHIBIT B (cont'd.)ALTERNATE ENTITY

1	VIACOM, INC.	CBS CORPORATION WESTINGHOUSE ELECTRIC CORPORATION WESTINGHOUSE ELECTRIC AND MANUFACTURING COMPANY B.F. STURTEVANT KPIX TELEVISION STATION PARAMOUNT COMMUNICATIONS, INC.
2	HONEYWELL INTERNATIONAL, INC.	HONEYWELL, INC. HONEYWELL CONTROLS ALLIEDSIGNAL, INC. ALLIED-SIGNAL, INC. THE BENDIX CORPORATION BENDIX PRODUCTS AUTOMOTIVE DIVISION BENDIX PRODUCTS DIVISION, BENDIX AVIATION CORP. BENDIX HOME SYSTEMS ALLIED CORPORATION ALLIED CHEMICAL CORPORATION GENERAL CHEMICAL CORPORATION FRAM FRICTION MATERIALS OF LOS ANGELES NORTH AMERICAN REFRactories COMPANY EM SECTOR HOLDINGS INC. UNIVERSAL OIL PRODUCTS COMPANY BOYLSTON CORPORATION EHRHART & ASSOCIATES, INC. EHRHART & ARTHUR, INC. GARRETT AIR RESEARCH CORP. STANLEY G. FLAGG & CO. MERGENTHALER LINOTYPE COMPANY ELTRA CORPORATION BUNKER RAMO-ELTRA CORPORATION
3	GENERAL MOTORS CORPORATION	NEW DEPARTURE CHEVROLET A.C. DELCO CO. BUICK AUTOMOTIVE CORPORATION CADILLAC PONTIAC LaSALLE OLDSMOBILE GM GOODWRENCH ROCHESTER PRODUCTS DIVISION EUCLID ROAD MACHINERY CO. FRIDGIDAIRE (for exposure pre 4/9/1979)
4	GOODLOE E. MOORE INC	GEMCO INSULATION
5	HOOKER INDUSTRIES, INC.	HOOKER HEADERS, INC.
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EXHIBIT B

1 EXHIBIT B (cont'd.)

2 ALTERNATE ENTITY

3 FORD MOTOR COMPANY BRITISH LEYLAND MOTORS, INC.
4 BRITISH MOTOR CORPORATION
JAGUAR CARS, INC.
TRIUMPH
5 LINCOLN CONTINENTAL
AUSTIN HEALEY
6 CSK AUTO, INC. KRAGEN AUTO SUPPLY CO.
7 NORTHERN AUTOMOTIVE CORPORATION
CHECKER AUTO PARTS, INC.
8 TBDPC CORPORATION
PACCAR AUTOMOTIVE, INC.
GRAND AUTO, INC.
9 AL'S AND GRAND AUTO SUPPLY, INC.
SCHUCK'S AUTO SUPPLY
TOPPS AUTOMOTIVE
10 TRAK AUTO PARTS
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15 EXHIBIT B-1

16 DEFENDANTS

17 NATIONAL STEEL AND SHIPBUILDING COMPANY
HOPEMAN BROTHERS, INC.
18 J.T. THORPE & SON, INC.
THOMAS DEE ENGINEERING CO., INC.
19 DOES 1-800; DOES 1001-2000

20 ALTERNATE ENTITY

21 J.T. THORPE & SON, INC. THE THORPE COMPANY
THORPE PRODUCTS CO.
22 J.T. THORPE NORTHWEST
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EXHIBITS B, B-1

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EXHIBIT CDEFENDANTS

3 SOUTHWEST MARINE, INC.
 4 CHEVRON PRODUCTS COMPANY
 4 CHEVRON U.S.A., INC.
 5 PACIFIC GAS & ELECTRIC COMPANY
 5 SOUTHERN CALIFORNIA EDISON COMPANY
 6 NATIONAL STEEL AND SHIPBUILDING
 6 COMPANY
 7 BECHTEL CORPORATION (DE)
 7 SEQUOIA VENTURES, INC.

HOPEMAN BROTHERS, INC.
 J.T. THORPE & SON, INC.
 THOMAS DEF ENGINEERING CO., INC.
 PLANT INSULATION COMPANY
 THORPE INSULATION COMPANY
 WESTERN MacARTHUR COMPANY
 MacARTHUR COMPANY
 WESTERN ASBESTOS COMPANY
 DOES 1001-2000

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ALTERNATE ENTITY

9 CHEVRON PRODUCTS COMPANY

CHEVRON U.S.A. PRODUCTS COMPANY
 CHEVRON CORPORATION PRODUCTS COMPANY
 CHEVRON CORPORATION
 CHEVRON OIL REFINERY
 CHEVRON CHEMICAL COMPANY
 WILSHIRE OIL
 STANDARD OIL COMPANY OF CALIFORNIA
 STANDARD OIL COMPANY OF CALIFORNIA,
 WESTERN OPERATIONS, INC.
 GULF OIL COMPANY
 GULF OIL OF CALIFORNIA
 GULF OIL CORPORATION
 GULF OIL PRODUCTS COMPANY
 CHEVRON RESEARCH AND
 TECHNOLOGY
 PACIFIC OIL REFINING
 PACIFIC REFINING CO.
 SEQUOIA REFINING CORP.
 CHEVRON U.S.A., INC.
 CHEVRON U.S.A. PRODUCTS, INC.

19 SOUTHERN CALIFORNIA EDISON
20 COMPANY

EDISON INTERNATIONAL
 REDONDO BEACH POWERHOUSE
 ALAMITOS POWERHOUSE
 HUNTINGTON BEACH POWERHOUSE
 ETIWANDA POWERHOUSE

PREMISES OWNER
DEFENDANTS

24 SOUTHWEST MARINE, INC.

LOCATIONTIME PERIODSouthwest Marine, San Diego,
CA

1979-1985

26 CHEVRON PRODUCTS
COMPANY/CHEVRON U.S.A., INC.Chevron Refinery, Wilmington,
CA; Chevron Refinery, Shop,
Wilmington, CA

4/1985-6/1985

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EXHIBIT C

1 EXHIBIT C (cont'd.)
2

3	2 PREMISES OWNER <u>DEFENDANTS</u>	4 LOCATION	5 TIME PERIOD
6	PACIFIC GAS & ELECTRIC COMPANY	PG&E, Diablo Canyon Powerhouse, CA	7 Mid 1980s
8	SOUTHERN CALIFORNIA EDISON COMPANY	9 San Onofre Nuclear Power Plant (SCE), CA	10 8/1979 (3 wks); Approx 1981-1983 (3-4 mos); Mid 1980s
11	12 CONTRACTOR <u>DEFENDANTS</u>	13 LOCATION	14 TIME PERIOD
15	NATIONAL STEEL AND SHIPBUILDING COMPANY	16 National Steel Shipbuilding, San Diego, CA <u>ST. WORTH</u> (MA-299) <u>EXXON VALDEZ</u> (1986)	17 1979-1980; 1983; 1985 (on/off about 4 yrs total)
18	BECITEL CORPORATION (DE)/SEQUOIA VENTURES, INC.	19 KITTY HAWK (CVA-63); RANGER (CVA-61); CONSTELLATION (CVA-64)	20 1979-1985
21	22	23 San Onofre Nuclear Power Plant (SCE), CA	24 8/1979 (3 wks); Approx. 1981-1983 (3-4 mos); Mid 1980s
25	HOPEMAN BROTHERS, INC.	PG&E, Diablo Canyon Powerhouse, CA	26 Mid 1980s
27	J.T. THORPE & SON, INC.	Various	28 Various
29	THOMAS DEE ENGINEERING CO., INC.	Various	Various
30	PLANT INSULATION COMPANY	Various	Various
31	THORPE INSULATION COMPANY	Various	Various
32	WESTERN MacARTHUR COMPANY/MacARTHUR COMPANY/WESTERN ASBESTOS COMPANY	Various	Various
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EXHIBIT C

1 EXHIBIT II

2 DEFENDANTS

3 METROPOLITAN LIFE INSURANCE COMPANY STUART-WESTERN, INC.
4 PNEUMO ABEX LLC RITESET MANUFACTURING COMPANY
5 BORGWARNER MORSE TEC, INC. ASBESTOS MANUFACTURING COMPANY
6 HONEYWELL INTERNATIONAL, INC. (successor-in- FIBRE & METAL PRODUCTS COMPANY
 interest to ALIEDSIGNAL, INC.) LASCO BRAKE PRODUCTS
7 THE BUDD COMPANY L.J. MILEY COMPANY
8 DAIMLERCHRYSLER CORPORATION ROSSENDALE-RUBOI, COMPANY
9 DANA CORPORATION SOUTHERN FRICTION MATERIALS COMPANY
10 FORD MOTOR COMPANY U.S. SPRING & BUMPER COMPANY
11 GENERAL MOTORS CORPORATION AUTO FRICTION CORPORATION
12 BRIDGESTONE/FIRESTONE EMSCO ASBESTOS COMPANY
13 NORTH AMERICAN TIRE, LLC FORCEE MANUFACTURING CORPORATION
14 LEAR SIEGLER DIVERSIFIED HOLDINGS CORP. MOLDED INDUSTRIAL FRICTION CORPORATION
15 MAREMONT CORPORATION NATIONAL TRANSPORT SUPPLY, INC.
16 MORTON INTERNATIONAL, INC. SILVER LINE PRODUCTS, INC.
17 PARKER-HANNIFIN CORPORATION STANDCO, INC.
18 STANDARD MOTOR PRODUCTS, INC. UNIVERSAI, FRICTION MATERIALS COMPANY
19 GATKE CORPORATION WHEELING BRAKE BLOCK MANUFACTURING
20 GARLOCK SEALING TECHNOLOGIES, LLC COMPANY
21 BRASSBESTOS BRAKE LINING COMPANY OWENS-ILLINOIS, INC.
22 H. KRASNE MANUFACTURING COMPANY BELL ASBESTOS MINES LTD.
23 AUTO SPECIALTIES MANUFACTURING COMPANY DOES5000-8000

17 EXHIBIT I

18 DEFENDANTS

19 METROPOLITAN LIFE INSURANCE COMPANY
20 OWENS-ILLINOIS, INC.
21 PNEUMO ABEX LLC
22 GATKE CORPORATION
23 GARLOCK SEALING TECHNOLOGIES, LLC
24 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
25 UNDERWRITERS LABORATORIES, INC.
26 DOES5000-7500

27 EXHIBITS II, I

1 DAVID R. DONADIO, ESQ., S.B. #154436
2 BRAYTON♦PURCELL LLP
3 Attorneys at Law
4 222 Rush Landing Road
5 P.O. Box 6169
6 Novato, California 94948-6169
(415) 898-1555

5 Attorneys for Plaintiff

ENDORSED
FILED
San Francisco County Superior Court

APR - 2 2007

GORDON PARK-LI, Clerk

BY: PARAMATT
Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

10
11 WILLIAM MATTHIS, JR.,)
12 Plaintiff,)
13 vs.)
14 ASBESTOS DEFENDANTS (B♦P))

ASBESTOS
No.

CGC-07-274138

PRELIMINARY FACT SHEET/NEW
FILING/ASBESTOS LITIGATION

15 (See General Order No. 129, In Re:
16 Complex Asbestos Litigation)

17 NOTICE

18 TO NEW DEFENDANTS SERVED IN COMPLEX ASBESTOS LITIGATION IN THE
19 SUPERIOR COURT IN AND FOR THE STATE OF CALIFORNIA, CITY AND COUNTY OF
SAN FRANCISCO

20 You have been served with process in an action which has been designated by the Court
21 as complex litigation pursuant to Standard 19 of the Standards of Judicial Administration. This
litigation bears the caption "In Re: Complex Asbestos Litigation", [San Francisco Superior
Court No. 828684].

22 This litigation is governed by various general orders, some of which affect the judicial
management and/or discovery obligations, including the responsibility to answer interrogatories
deemed propounded in the case. You may contact the Court or Designated Defense Counsel,
Berry & Berry, P.O. Box 16070, 2930 Lakeshore Avenue, Oakland, CA 94610; Telephone:
(510) 835-8330; FAX: (510) 835-5117, for further information and/or copies of these orders, at
your expense.

26 1. State the complete name and address of each person whose claimed exposure to asbestos is
27 the basis of this lawsuit ("exposed person"): William Matthis, Jr., 1275 W. Oakland Avenue #D,
28 Hemet, California 92543.

BRAYTON♦PURCELL LLP
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
P O BOX 6169
NOVATO, CALIFORNIA 94948-6169
(415) 898-1555

3 [If yes, the action will be governed by General Order No. 140; if no, the action will be governed
4 by General Order No. 129.]

5 | 3. Date of birth of each exposed person in item one and, if applicable, date of death:

6 Date of Birth: 10/30/55

7 Date of Death: N/A

8 | Social Security Number of each exposed person:

9 565-92-3558

10 | 4. Specify the nature or type of asbestos-related disease alleged by each exposed person.

Asbestosis Mesothelioma

Pleural Thickening/Plaques **Other Cancer: Specify:**

13 Lung Cancer Other Than Mesothelioma _____ Other: Specify: _____

14 5. For purposes of identifying the nature of exposure allegations involved in this action, please
15 check one or more:

Shipyard Construction Friction-Automotive

Premises Aerospace Military

18 X Other: Specify all that apply: Industrial/Refinery

19 If applicable, indicate which exposure allegations apply to which exposed person.

20 6. Identify each location alleged to be a source of an asbestos exposure, and to the extent known,

21 provide the beginning and ending year(s) of each such exposure. Also specify each exposed

22 person's employer and job title or job description during each period of exposure. (For example:

23 "San Francisco Naval Shipyard - Pipefitter - 1939-1948"). Examples of locations of exposure

24 might be a specific shipyard, a specific railroad maintenance yard, or perhaps more generalized

25 descriptions such as "merchant marine" or "construction". If an exposed person claims exposure

26 during only a portion of a year, the answer should indicate that year as the beginning and ending

27 year (e.g., 1947-1947).

28 | //

	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1	Neighborhood Youth Corp. San Diego, CA	Naval Base 32 nd Street San Diego, CA	Mechanic (Helper)	6/1973-9/1973
2	US Army	Ford Ord Monterey, CA	Private	3/3/1974-4/1974 (6 weeks)
3		US Army Fort Sill Lawton, OK	Private (E2)	4/1974-mid-May 1974 (6 weeks)
4		US Army Fort Hood Army Base Killeen, TX	Artilleryman	mid-May 1974- 3/3/1977
5	National Steel & Shipbuilding	National Steel & Shipbuilding, San Diego, CA 2 unknown LSD naval ships	Welder	10/1977-3/1979
6	Thorpe Insulation	Naval Repair Facility 32 nd Street Annex San Diego, CA 1 unknown naval ship	Insulator	3/1979- 7/1979 (1 month)
7		Thorpe Insulation Shop, Carson, CA		(3 months)

17 (Attach Additional Pages, If Necessary) SEE ATTACHED CONTINUATION

18 7. For each exposed person who:

19 a. worked in the United States or for a U.S. agency outside the territorial United States,
20 attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed
21 Social Security Earnings authorization (Exhibit N-4 to General Order No. 129);

22 b. may have had a Social Security disability award or is no longer employed and whose
23 last employment was not with a United States government agency, attach to the copy of this fact
24 sheet provided to Designated Defense Counsel a fully executed Social Security Disability
25 authorization (Exhibit N-5 to General Order No. 129);

26 c. served at any time in the United States military, attach to the copy of this fact sheet
27 provided to Designated Defense Counsel two fully executed originals of the stipulation (Exhibit
28 N-3 to General Order No. 129);

1 d. was employed by the United States government in a civilian capacity, attach to the
2 copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of
3 the stipulation (Exhibit N-3 to General Order No. 129).

4 8. If there is a wrongful death claim, attach to the copy of this fact sheet provided to Designated
5 Defense Counsel a copy of the death certificate, if available. If an autopsy report was done, also
6 attach a copy of it to the copy of this fact sheet provided to Designated Defense Counsel.

7 9. State the date of the filing of the initial complaint in this matter:

8 April 2, 2007

9 By:



10 Attorney for Plaintiff

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	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1	Thorpe Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	8/1979 (3 weeks)
2	Owens-Corning Fiberglas	National Steel & Shipbuilding, San Diego, CA 6-7 ships	Insulator	1979-1980; 1983; 1985 (on/off: about 4 years total)
3		<u>ST. WORTH (MA-299)</u>		
4		<u>EXXON VALDEZ (1986)</u>		
5	Owens-Corning Fiberglas	Naval Repair Facility North Island San Diego, CA 3-4 aircraft carriers	Insulator	1979-1985
6		<u>RANGER (CVA-61)</u>		
7		<u>KITTY HAWK (CVA-63)</u>		
8		<u>CONSTELLATION (CVA-64)</u>		
9	Owens-Corning Fiberglas	Naval Repair Facility 32 nd Street Annex San Diego, CA 4 unknown navy ships	Insulator	1979-1985
10	Owens-Corning Fiberglas	Southwest Marine San Diego, CA 1 unknown navy ship	Insulator	1979-1985
11	Desco Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	approximately 1981-1983 (3-4 months)
12	Thorpe Insulation			(approximately 6 months)
13	Owens-Corning Fiberglas			(4 months)
14	AC & S Insulation or Metalclad	Unknown Power Plant Newport Beach, CA	Insulator	1981 or 1982
15	P.W. Stevens	US Post Office Los Angeles	Insulator	1983
16	AC & S or Metalclad	Los Angeles Department of Water and Power, Los Angeles, CA	Insulator	1984
17				
18				
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	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1	Metalclad	San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980s
2	Bcchtel	San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980s
3	Thorpe Insulation	PG & E Diablo Canyon Powerhouse CA	Insulator	mid-1980s
4	Thorpe Insulation	Chevron Refinery Wilmington, CA	Insulator	4/1985-6/1985
5		Chevron Refinery Shop, Wilmington, CA		
6	Performance Contracting Inc.	National Steel & Shipbuilding, San Diego, CA	Insulator	1/1986-3/1986; 5/1986-12/1986

12 NON-OCCUPATIONAL EXPOSURE:

13 FRiction EXPOSURE:

14 1967 FORD GTO: Plaintiff purchased a used car in 1979 or 1980. During that same year, plaintiff replaced the original carburetor, original manifold, original header gaskets, and brakes. Plaintiff purchased a HOOKER HEADERS gasket kit. Plaintiff was assisted by cousin Henry Conwright, San Diego, California.

15 1981 MAZDA 626 CoupC: Plaintiff purchased this car new in 1981. Plaintiff replaced the original brakes and was assisted by cousin Henry Conwright, San Dicgo, California.

16 Plaintiff and his cousin, Henry Conwright, San Diego, California, purchased A.C. DELCO brakes for majority of the cars they worked on from KRAGEN, Euclid Avenue, San Diego, California; and AUTOZONE, Federal Boulevard, San Dicgo, California. Plaintiff currently contends that he was exposed to asbestos during these vehicle repairs.

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DO NOT FILE WITH THE COURT
— UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 —

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): DAVID R. DONADIO, ESQ. (Bar # 154436) BRAYTON♦PURCELL LLP 222 Rush Landing Road Novato, California 94948-6169		TELEPHONE NO. (415) 898-1555 FAX NO. (415) 898-1247	
ATTORNEY FOR (name): Plaintiff(s)			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO			
STREET ADDRESS: 400 McAllister Street			
MAILING ADDRESS:			
CITY AND ZIP CODE: San Francisco 94102			
BRANCH NAME:			
PLAINTIFF: WILLIAM MATTHIS, JR.			
DEFENDANT: ASBESTOS DEFENDANTS (B♦P)			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER: 274138	

To (name of one defendant only): **SOUTHWEST MARINE, INC.**

Plaintiff (name of one plaintiff only): **WILLIAM MATTHIS, JR.**
seeks damages in the above-entitled action, as follows:

1. General damages

- | | | |
|--|---|--------------------------------|
| a. <input checked="" type="checkbox"/> | Pain, suffering, and inconvenience | AMOUNT
\$ 250,000.00 |
| b. <input checked="" type="checkbox"/> | Emotional distress | AMOUNT
\$ 50,000.00 |
| c. <input type="checkbox"/> | Loss of consortium | AMOUNT
\$ |
| d. <input type="checkbox"/> | Loss of society and companionship(<i>wrongful death actions only</i>) | AMOUNT
\$ |
| e. <input type="checkbox"/> | Other (<i>specify</i>) | AMOUNT
\$ |
| f. <input type="checkbox"/> | Other (<i>specify</i>) | AMOUNT
\$ |
| g. <input type="checkbox"/> | Continued on Attachment 1.g. | |

2. Special damages

- | | | |
|--|---|-------------------------------|
| a. <input checked="" type="checkbox"/> | Medical expenses (<i>to date</i>) | AMOUNT
\$ 10,000.00 |
| b. <input checked="" type="checkbox"/> | Future medical expenses (<i>present value</i>) | AMOUNT
\$ 50,000.00 |
| c. <input type="checkbox"/> | Loss of earnings (<i>to date</i>) | AMOUNT
\$ |
| d. <input type="checkbox"/> | Loss of future earning capacity (<i>present value</i>) | AMOUNT
\$ |
| e. <input type="checkbox"/> | Property damage | AMOUNT
\$ |
| f. <input type="checkbox"/> | Funeral expenses (<i>wrongful death actions only</i>) | AMOUNT
\$ |
| g. <input type="checkbox"/> | Future contributions (<i>present value</i>) (<i>wrongful death actions only</i>) | AMOUNT
\$ |
| h. <input type="checkbox"/> | Value of personal service, advice, or training (<i>wrongful death actions only</i>) | AMOUNT
\$ |
| i. <input checked="" type="checkbox"/> | Other (<i>specify</i>) LOSS OF HOUSEHOLD SERVICES | AMOUNT
\$ 50,000.00 |
| j. <input type="checkbox"/> | Other (<i>specify</i>) | AMOUNT
\$ |
| k. <input type="checkbox"/> | Continued on Attachment 2.k. | |

- 3. Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (*specify*) \$ **2,500,000.00**
when pursuing a judgment in the suit filed against you.

Date:

/s/ David R. Donadio

David R. Donadio

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

1
2
3 BUCYRUS INTERNATIONAL, INC.
4 BECHTEL CORPORATION (DE)
5 SEQUOIA VENTURES, INC.
6 CROWN CORK & SEAL COMPANY, INC.
7 THOMAS DEE ENGINEERING CO., INC.
8 GARLOCK SEALING TECHNOLOGIES, LLC
9 GENERAL ELECTRIC COMPANY
10 OWENS-ILLINOIS, INC.
11 PARKER-HANNIFIN CORPORATION
12 PLANT INSULATION COMPANY
13 QUINTEC INDUSTRIES, INC.
14 RAPID-AMERICAN CORPORATION
15 TTIORPE INSULATION COMPANY
16 UNIROYAL HOLDING, INC.
17 VIACOM, INC.
18 WESTERN MacARTHUR COMPANY
19 MacARTHUR COMPANY
20 WESTERN ASBESTOS COMPANY
21 HONEYWELL INTERNATIONAL, INC.
22 DAIMLERCHRYSLER CORPORATION
23 FORD MOTOR COMPANY
24 GENERAL MOTORS CORPORATION
25 INTERNATIONAL TRUCK & ENGINE CORPORATION
26 MAZDA NORTH AMERICAN OPERATION
27 CSK AUTO, INC.
28 GOODLOE E. MOORE INC
29 HOOKER INDUSTRIES, INC.
30 NATIONAL STEEL AND SHIPBUILDING COMPANY ✓
31 HOPEMAN BROTHERS, INC. ✓
32 J.T. THORPE & SON, INC.
33 SOUTHWEST MARINE, INC. ✓
34 CHEVRON PRODUCTS COMPANY
35 CHEVRON U.S.A., INC.
36 PACIFIC GAS & ELECTRIC COMPANY
37 SOUTHERN CALIFORNIA EDISON COMPANY
38 METROPOLITAN LIFE INSURANCE COMPANY
39 GATKE CORPORATION
40 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
41 UNDERWRITERS LABORATORIES, INC.
42 PNEUMO ABEX LLC
43 and DOES I-8500,
44
45 Defendants.
46
47
48

William Matthis, Jr. vs. Asbestos Defendants (B&P)
San Francisco Superior Court

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

DAVID R. DONADIO, ESQ., STATE BAR NO. 154436
 BRAYTON & PURCELL, LLP
 222 Rush Landing Road
 Novato, California 94948-6169
 TELEPHONE NO. (415) 898-1555

FAX NO.: (415) 898-1247

ATTORNEY FOR (NAME): Plaintiff(s)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

STREET ADDRESS: 400 McAllister Street

MAILING ADDRESS:

CITY AND ZIP CODE: San Francisco, CA 94102

BRANCH NAME:

CASE NAME:

WILLIAM MATTHIS, JR. vs. ASBESTOS DEFENDANTS (B&P)

FOR COURT USE ONLY

ENDORSED
FILED

San Francisco County Superior Court

APR - 2 2007

GORDON PARK-LI, Clerk

BY: PARAMNATT
Deputy Clerk

CIVIL CASE COVER SHEET

Unlimited Limited
 (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 1811)

CASE NUMBER:

CGC-07-274138

JUDGE:

DEPT.:

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below of the case type that best describes this case:

Auto Tort

- Auto (22)
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property

Damage/Wrongful Death) Tort

- Asbestos (04)
 Product Liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment

- Wrongful termination (36)
 Other employment (15)

Contract

- Breach of contract/warranty (06)
 Collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

- Eminent domain/inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

- Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

- Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation

- (Cal. Rules of Court, rules 1800-1812)
 Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental / Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)
 Miscellaneous Civil Complaint
 RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21)

- Other petition (not specified above) (43)

2. This case is is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 c. Substantial amount of documentary evidence
 d. Large number of witnesses
 e. Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court
 f. Substantial post-judgment judicial supervision

3. Type of remedies sought (check all that apply):

- a. Monetary b. Nonmonetary; declaratory or injunctive relief c. Punitive

4. Number of causes of action (specify): 7

5. This case is is not a class action suit.

Date: 4/11/07

David R. Donadio

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

Page 1 of 2

EXHIBIT B

SSC - A-17-OS

M1930
Berry & Berry

MAY 16 2007

Received

Sb 5/18/07
0/0 5/24

1 ALAN R. BRAYTON, ESQ., S.B. #73685
 2 ERIC C. SOLOMON, ESQ., S.B. #119131
 3 BRAYTON♦PURCELL LLP
 Attorneys at Law
 4 222 Rush Landing Road
 P.O. Box 6169
 Novato, California 94948-6169
 (415) 898-1555

5 Attorneys for Plaintiff

6

7

8 SUPERIOR COURT OF CALIFORNIA

9

COUNTY OF SAN FRANCISCO

10

11 WILLIAM MATTHIS, JR.,)	ASBESTOS
12 Plaintiff,)	No. 274138
13 vs.)	ANSWERS TO INTERROGATORIES
14 ASBESTOS DEFENDANTS (B♦P))	

15

16 PROPOUNDING PARTY: STANDARD ASBESTOS CASE INTERROGATORIES

17 RESPONDING PARTY: Plaintiff WILLIAM MATTHIS, JR.

18

SET NO: ONE

19

20

ANSWERS

21

1. a. WILLIAM PAUL MATTHIS, JR.
2. b. October 30, 1955.
3. c. 51 years.
4. d. San Diego, California.
5. e. 1275 West Oakland Avenue, #D, Hemet, California 92543.
6. f. Height: 6' 3", weight: 205 pounds.
7. g. 565-92-3558.
8. h. Not applicable.

BRAYTON♦PURCELL LLP
 ATTORNEYS AT LAW
 222 RUSH LANDING ROAD
 PO BOX 6169
 NOVATO, CALIFORNIA 94948-6169
 (415) 898-1555

- 1 i. Not applicable.
- 2 j. 565-92-3588.
- 3 k. California, N3186323.
- 4 l. William Paul Matthis, Jr.
- 5 m. 12th grade.
- 6 n. None.
- 7 o.-r. Not applicable.
- 8 s. Denise Thorton, Ethel Pollard, Alicia Davis, Angela Jackson, and Sheryl
9 Wilson.
- 10 t. 1974, 1981, 1986, 2001, and 2004, respectively.
- 11 u. Plaintiff was divorced in San Diego, California (Denise Thorton, Ethel
12 Pollard, Alicia Davis); Kansas City, Missouri (Angela Jackson, and Sheryl Wilson).
- 13 2. a. Kenya Matthis.
- 14 b. July 31, 1975.
- 15 c. Natural.
- 16 d. Unknown.
- 17 e. Unknown.
- 18 f. Living.
- 19
- 20 a. Paul Decory Matthis.
- 21 b. May 13, 1985.
- 22 c. Natural.
- 23 d. Unknown.
- 24 e. Unknown.
- 25 f. Living.
- 26
- 27 a. Ashley Matthis.
- 28 b. August 26, 1989.

- 1 c. Natural.
- 2 d. Unknown.
- 3 e. Student.
- 4 f. Living.

- 5
- 6 a. Cassius DePaul Matthis.
- 7 b. May 3, 1990.
- 8 c. Natural.
- 9 d. Unknown.
- 10 e. Student.
- 11 f. Living.

- 12 3. No.
- 13 4. No.

14 5. Plaintiff is currently able to recall the following addresses:

15 2006 to present: 33347 Breighton Wood Street, Menifee, California 92584.

16 2006: 33347 Breighton Wood Street, Menifee, California 92584.

17 2004 to 2006 (2 years): Palm Springs, California.

18 2001 to 2004: San Diego, California.

19 1999 to 2001: Kansas City, Missouri.

20 1999 (9 months): Rockford, Illinois.

21 3/1977 to 1999: San Diego, California.

22 3/1974 to 3/1977: United States Army.

23 10/30/1955 to 3/1974: San Diego, California.

24 Plaintiff's investigation and discovery are continuing.

25 6. Plaintiff graduated from San Diego High School in 1974. Plaintiff attended
26 welding school for National Steel and Rio Honda.

- 27 7. April 27, 2007.
- 28 8. No.

1 9. Plaintiff was a member of the United States Army from 1974 to 1977. Please see
2 response to Interrogatory No. 26, below.

3 10. Excluding plaintiff's expert consultants, plaintiff recalls the following physicians:

- 4 a. Dr. Suzanne Chang.
5 b. Veterans Administration Hospital, Sun City, California
6 c. General health maintenance.
7 d. 2006 to present.
8 e. General health maintenance.
9 f. Plaintiff's investigation and discovery are continuing.

- 10
11 a. Dr. Sam Williams.
12 b. 286 North Euclid Avenue, #304, San Diego, California 92114.
13 c. Treatment, including medication for depression.
14 d. June 2006.
15 e. Depression.
16 f. Plaintiff's investigation and discovery are continuing.

- 17
18 a. Unknown physicians.
19 b. Veterans Administration Hospital, Loma Linda, California.
20 c. Treatment, including medication for depression, prostate problems, hip
21 pain, back pain, stomach problems, and anxiety.
22 d. 2004 to 2006.
23 e. General health maintenance.
24 f. Plaintiff's investigation and discovery are continuing.

25 11. Excluding those used by plaintiff's expert consultants, plaintiff currently recalls
26 the following hospitals:

- 27 a. Veterans Administration Hospital.
28 b. Benton Street, Loma Linda, California.

1 c. Treatment, including medication for depression, swollen prostate, hip
2 pain, back pain, stomach problems, and anxiety.

3 d. 2004 to 2006.

4 e. General health maintenance.

5 f. Plaintiff's investigation and discovery are continuing.

6 12. Excluding any taken by plaintiff's expert consultants, plaintiff recalls the
7 following x-rays:

8 a. Veterans Administration Hospital, Benton Street, Loma Linda, California.

9 b. Unknown dates, including October 2006.

10 c. Chest, head, hip and back.

11 d. Unknown.

12 e. Plaintiff's investigation and discovery are continuing.

13 13. Excluding any taken by plaintiff's expert consultants, plaintiff recalls the
14 following pulmonary function tests:

15 a. Plaintiff does not recall.

16 b. February 2006, and September 2006.

17 c. Plaintiff does not recall.

18 d. Required by employer, PCI in San Diego, California.

19 e. Unknown.

20 f. Yes.

21 g. Unknown physician.

22 h. Plaintiff's investigation and discovery are continuing.

23 14. Please see response to Interrogatory No.'s 10 and 11, above. Plaintiff defers to his
24 medical records as the best source of information for medications prescribed.

25 15. Not at this time. Plaintiff's medical records are equally available to defendants
26 through Berry & Berry, designated defense counsel.

27 16. Plaintiff has the following complaints from asbestos exposure: shortness of
28 breath, tiredness, coughing with phlegm, and chest pain.

- 1 a. 2003 or 2004.
2 b. No cessation.
3 c. Plaintiff is currently unaware of any physical change.
4 d. Plaintiff contends that his lungs have primarily been affected. However,
5 as the lung function affects the rest of the body, plaintiff also contends that all parts of his body
6 have been affected.
7 e.-f. Plaintiff does not recall.
8 g. Plaintiff does not at this time contend that he has lost time from work as a
9 result of his asbestos related conditions. Plaintiff's investigation and discovery are continuing.
10 h. Not applicable.
11 i. Plaintiff's investigation and discovery are continuing.
12 17. Yes.
13 a. Asbestosis.
14 b. Approximately August 2006.
15 c.-l. Information protected by either the attorney work-product doctrine or the
16 attorney-client privilege. Plaintiff's investigation and discovery are continuing.
17 18. No.
18 19. Plaintiff has suffered respiratory complaints and symptoms during the last 10
19 years, including but not limited to: shortness of breath, tiredness, coughing with phlegm, and
20 chest pain.
21 20. No.
22 21. Not applicable.
23 22. No.
24 23. Yes.
25 a. Plaintiff recalls smoking from 1990 or 1992 to the present.
26 b. Plaintiff recalls smoking cigarettes. Plaintiff inhaled.
27 c. Plaintiff usually smokes 10 cigarettes per day.
28 d. Plaintiff usually smokes ½ pack of cigarettes per day.

1 e. Plaintiff recalls smoking Parliament light, and Marlboro brand cigarettes.

2 f. Yes.

3 1. Physicians at Veterans Administration Medical Center.

4 2. Unknown.

5 24. Yes.

6 a. Plaintiff's girlfriend.

7 b. Dates unknown, approximately 2 years.

8 c. Marlboro menthol brand cigarettes.

9 d. Occasionally.

10 25. Plaintiff recalls first consuming alcoholic beverages in 1974 or 1975. Plaintiff
11 currently drinks 0 to ½ pint of beer, vodka or Hennessy per week. Plaintiff's alcohol
12 consumption has not changed over his lifetime.

13 26. Plaintiff is currently able to identify the following employment information:

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Neighborhood Youth Corp. San Diego, CA	Naval Base 32 nd Street San Diego, CA	Mechanic (Helper)	6/1973-9/1973

17 Job Duties: Plaintiff assisted civilian mechanics in replacing brakes, clutches, gaskets, and
18 mufflers. Plaintiff used the following FORD products: brakes, clutches, and gaskets. Plaintiff
19 and the mechanics sanded and used air compressors on the brakes. Plaintiff worked on the
20 following vehicles that contained original parts: CHEVROLET, FORD, AMERICAN MOTORS,
INTERNATIONAL diesel trucks, and INTERNATIONAL buses. Plaintiff currently contends
that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
US Army	Ford Ord Monterey, CA	Private	3/3/1974-4/1974 (6 weeks)
	US Army Fort Sill Lawton, OK	Private (E2)	4/1974-mid-May 1974 (6 weeks)
	US Army Fort Hood Army Base Killeen, TX	Artilleryman	mid-May 1974- 3/3/1977

28 Job Duties: At Fort Ord, plaintiff completed basic training in six weeks. Plaintiff then had an

1 additional six weeks of training at Fort Sill. Plaintiff trained with howitzer cannons for field
 2 artillery. At both Fort Seal and Fort Hood, plaintiff used asbestos gloves to handle the shells for
 3 the cannons. Plaintiff changed barrels on M-60 machine guns. Plaintiff maintained and used
 4 howitzer 175, 122, 155, and 8-inch weapons. Plaintiff repaired the tracks' chains and links on
 the cannons. In addition at Fort Hood, plaintiff maintained trucks and jeeps by changing oil and
 assisting on brake replacements. Plaintiff currently contends that he was exposed to asbestos
 during this employment.

5

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
National Steel & Shipbuilding	National Steel & Shipbuilding, San Diego, CA 2 unknown LSD naval ships	Welder	10/1977-3/1979

10 Job Duties: Plaintiff worked in the shop. Plaintiff welded and burned. Plaintiff used MIG
 welding machines. Plaintiff used asbestos gloves to carry hot lead and when torching. Plaintiff
 11 chipped and ground pieces of ships and metals. Plaintiff replaced grinding wheels. Plaintiff also
 worked on board two navy nuclear ships. Plaintiff welded and burned lead on hulls, bilges,
 12 bulkheads, and other parts inside. Plaintiff recalls the following co-workers: Leo Hawkins, San
 Diego, California; chipper co-worker and uncle James Buchanan, Palm Springs, California; and
 13 insulator co-worker and brother-in-law Luther Shaw, San Diego, California. Plaintiff worked
 with the following trades: insulators insulating, laborers cleaning and sweeping, shipfitters,
 14 pipefitters, machinists, painters, and sandblasters sanding the ships. Plaintiff currently contends
 that he was exposed to asbestos during this employment.

15

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Thorpe Insulation	Naval Repair Facility 32 nd Street Annex San Diego, CA 1 unknown naval ship	Insulator	3/1979- 7/1979 (1 month)
	Thorpe Insulation Shop Carson, CA		(3 months)

22 Job Duties: Plaintiff worked on one naval ship. Plaintiff removed asbestos insulation from pipes
 and boilers with a power saw. Plaintiff worked in the engine room and other areas. Plaintiff
 23 swept the floor and picked up pieces of asbestos insulation. Plaintiff wore protective gear,
 including paper masks. Plaintiff recalls general foreman Greg Stutman, address currently
 24 unknown; and co-worker Jimmy Palmer, San Diego, California.

25 At the shop, plaintiff created new insulation pads. Plaintiff used old asbestos insulation
 26 pads that came directly off of the ships. Plaintiff opened the insulation pads and removed the
 asbestos filling. Plaintiff would then use the insulation pads as patterns to replicate the shape and
 27 size. Plaintiff cut fiberglass for the new insulation pads and sewed up the pads with a sewing
 machine and pneumatic button machine. Plaintiff recalls the asbestos insulation pads were from
 28 all parts of ships, including boilers, pumps, valves, pipes, and furnaces. Plaintiff recalls the
 following co-workers: Denver Talaver, address currently unknown; and "Red" Vandering,
 address currently unknown. Plaintiff currently contends that he was exposed to asbestos during

1 this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Thorpe Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	8/1979 (3 weeks)

6 Job Duties: Plaintiff recalls this was new construction on Units 2 and 3. Plaintiff applied insulation cement to pipes, boilers, and turbines. Plaintiff worked with the following trades: ironworkers, pipefitters welding, sheetmetal workers, electricians stripping and cutting electrical wires, boilermakers building boilers, welders welding with fire blankets, and crane operators. Plaintiff recalls foreman Ron Hout, address currently unknown; and general foreman Bob Evans, deceased. Plaintiff recalls the following co-workers: Dennis Tucker, address currently unknown; Lawrence "Buddy" Rogers, c/o Brayton+Purcell LLP; Gary Mays, Arkansas; John Mack, Los Angeles area, California; Harvey Hood, Texas; Jeff Darby, San Diego, California; Greg Bue, San Diego, California (works for Tri-County Insulation Co.). Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Owens-Corning Fiberglas	National Steel & Shipbuilding, San Diego, CA 6-7 ships	Insulator	1979-1980; 1983; 1985 (on/off: about 4 years total)
	<u>ST. WORTH (MA-299)</u>		
	<u>EXXON VALDEZ (1986)</u>		

17 Job Duties: Plaintiff performed repair work in the engine rooms. Plaintiff removed existing asbestos insulation. Plaintiff applied ARMSTRONG 520 adhesives to insulate the pipes. Plaintiff also used ONE-SHOT insulating cement for fittings and elbows and TUFF BOND adhesive for ducts. Plaintiff used CALSIL lagging and pipecovering for steam and hot waterlines. Plaintiff worked alongside the following trades: NATIONAL STEEL & SHIPBUILDING chippers, welders welding, electricians cutting and stripping wires, shipfitters, painters, sandblasters, pipefitters, and carpenters installing deck tiles and cabinets. Plaintiff recalls the following co-workers: Tony Berryon, San Diego area, California; Greg Brown, San Diego, California; Jeff Darby, San Diego, California; Gary Bland, San Diego, California; Mitch Spence, San Diego, California; John Mack, Ergie Bowman, Los Angeles area, California; and George Echos, address currently unknown. Plaintiff recalls foreman Gary Hatch, San Diego, California; and foreman Jack Gordon, deceased, both working in the earlier years for this employer. Plaintiff recalls supervisor and brother-in-law Luther Shaw, San Diego, California, in the latter years. Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Owens-Corning Fiberglas	Naval Repair Facility North Island San Diego, CA 3-4 aircraft carriers	Insulator	1979-1985

RANGER (CVA-61)

KITTY HAWK (CVA-63)

CONSTELLATION (CVA-64)

5 Job Duties: Plaintiff performed insulation repair work in the engine rooms. Plaintiff used
6 ARMSTRONG 520 adhesive on rubber pipecovering. Plaintiff insulated with ONE-SHOT for
7 fittings and elbows. Plaintiff used TUFF BOND adhesive for ducts. Plaintiff used CALSIL
8 insulating cement and pipecovering for steam and hot waterlines. Plaintiff worked alongside the
following trades: boilermakers repairing boilers, pipefitters repairing pipes, welders welding,
shipfitters, and sandblasters. Plaintiff recalls the following co-workers: brother-in-law Luther
Shaw, San Diego, California; Gary Bland, San Diego, California; Bill Dale, San Diego,
California; and Mark Dale, San Diego, California. Plaintiff currently contends that he was
exposed to asbestos during this employment.

	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
10	Owens-Corning Fiberglas	Naval Repair Facility 32 nd Street Annex San Diego, CA 4 unknown navy ships	Insulator	1979-1985
11				
12				

15 Job Duties: Plaintiff performed repairs on navy ships. Plaintiff insulated pipes and boilers in the
16 engine rooms. Plaintiff removed asbestos insulation from the pipes and boilers. Plaintiff also
17 performed minor repairs to the boilers. Plaintiff working alongside other insulators insulating
pipes and boilermakers repairing boilers. Plaintiff recalls the following co-workers: brother-in-
law Luther Shaw, San Diego, California; general foreman Mitch Spence, San Diego, California;
Gary Hatch, San Diego, California; Greg Brown, San Diego, California; Bill Dale, San Diego,
California; Mark Dale, San Diego, California; Eddie Gordon, north San Diego County; and
Sammy Gordon, north San Diego County. Plaintiff currently contends that he was exposed to
asbestos during this employment.

18		Location of		Exposure
19	<u>Employer</u>	<u>Exposure</u>	<u>Job Title</u>	<u>Dates</u>
20	Owens-Corning Fiberglas	Southwest Marine San Diego, CA 1 unknown navy ship	Insulator	1979-1985
21				

22 Job Duties: Plaintiff insulated pipes and boiler in the engine room. Plaintiff recalls Ben
23 Rodriguez, address currently unknown. Plaintiff worked alongside the following trades:
boilermakers repairing boilers, shipfitters working with sheetmetal, electricians cutting and
routing electrical wires, welders welding, insulators, and pipefitters replacing sections of pipes.
Plaintiff recalls some of the trades were SOUTHWEST MARINE employees. Plaintiff currently
24 contends that he was exposed to asbestos during this employment.

	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
25				
26	Desco Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	approximately 1981-1983 (3-4 months)
27				
28				

1 Thorpe Insulation (approximately 6
 2 months)
 3 Owens-Corning Fiberglas (4 months)
 4 Job Duties: Plaintiff recalls this was new construction on Units 2 and 3. Plaintiff worked
 5 alongside the following trades: ironworkers, pipefitters, sheetmetal workers, electricians,
 6 boilermakers working on boilers and their tubes, welders welding and using asbestos blankets,
 7 crane operators, and machinists. Plaintiff recalls the following co-workers: Larry Gibson,
 deceased; John Mack, Los Angeles area, California; Lionel Reed, Los Angeles, California;
 Dennis Tucker, address currently unknown; Clint Hout, Riverside County, California; Ron Hout,
 address currently unknown; and Bobby Hout, address currently unknown. Plaintiff currently
 contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
AC & S Insulation or Metalclad	Unknown Power Plant Newport Beach, CA	Insulator	1981 or 1982

11 Job Duties: Plaintiff replaced insulation on a boiler. Plaintiff used TUFF BOND adhesive on
 12 some pins. Plaintiff recalls co-worker George Echos, address currently unknown. Plaintiff
 currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
AC & S Insulation	Los Angeles Department of Water and Power, Los Angeles, CA	Insulator	1982

13 Job Duties: Plaintiff performed asbestos abatement. Plaintiff is currently unaware if he was
 14 exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
P.W. Stevens	US Post Office Los Angeles	Insulator	1983

21 Job Duties: Plaintiff performed asbestos abatement. Plaintiff used paper masks while removing
 22 wet asbestos insulation. Plaintiff recalls supervisor P.W. Stevens, address currently unknown.
 Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Owens-Corning Fiberglas	Budweiser Brewery San Fernando Valley, CA	Insulator	1983 (3 weeks)

26 Job Duties: Plaintiff assisted insulators. Plaintiff is currently unaware if he was exposed to
 27 asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
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1	AC & S or Metalclad	Los Angeles Department of Insulator Water and Power, Los Angeles, CA	1984
2	Job Duties: Plaintiff performed asbestos abatement. Plaintiff used paper masks while removing wet asbestos insulation. Plaintiff currently contends that he was exposed to asbestos during this employment.		
3	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>
4	Metalclad	San Onofre Nuclear Power Plant (SCE), CA	Insulator
5	mid-1980's		
6	Job Duties: Plaintiff performed repair work on Units 2 and 3. Plaintiff insulated conduits, pipes, turbines, heat exchangers, and heat tray slides. Plaintiff removed old insulation. Plaintiff recalls general contractor BECHTEL employees performed a portion of the repair work, including insulation. Plaintiff worked near the following trades: welders welding, pipefitters, carpenters, boilermakers, electricians, and painters. Plaintiff recalls the following co-workers: Linda Thompson, Lakewood area, California; Jimmy Yap, around San Onofre area, California; Jimmy Lee, Las Vegas, Nevada; Bob Klepper (now Business Agent for Local Union 5 of Azusa, California), address currently unknown; and Rocky Summers, near San Clemente, California. Plaintiff currently contends that he was exposed to asbestos during this employment.		
7	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>
8	Bechtel	San Onofre Nuclear Power Plant (SCE), CA	Insulator
9	mid-1980's		
10	Job Duties: Plaintiff repaired insulation on conduits, pipes, turbines, heat exchangers, and heat tray slides on Units 1, 2, and 3. Plaintiff worked alongside the following trades: welders, pipefitters, carpenters, boilermakers repairing pipes, electricians, and painters. Plaintiff recalls the following co-workers: Jimmy Yap, around San Onofre area, California; Rocky Summers, near San Clemente, California; Bob Klepper (now Business Agent for Local Union 5 of Azusa, California), address currently unknown; and Linda Thompson, Lakewood area, California. Plaintiff currently contends that he was exposed to asbestos during this employment.		
11	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>
12	Thorpe Insulation	PG & E Diablo Canyon Powerhouse CA	Insulator
13	mid-1980's		
14	Job Duties: Plaintiff repaired insulation on pipes and conduits. Plaintiff recalls supervisor Bob Evans, deceased. Plaintiff recalls the following co-workers: Ron Hout, address currently unknown; Art Hout, deceased; Ergie Bowman, Los Angeles area, California; Harvey Hood, Texas; and Sunny Woods, deceased. Plaintiff currently contends that he was exposed to asbestos during this employment.		
15	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>
16			
17			
18			
19			
20			
21	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>
22			
23			
24			
25			
26			
27	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>
28			

1 Bechtel Bechtel Insulator 1/1985-2/1985
 2 Unknown location

3 Job Duties: Plaintiff is currently unable to recall the specifics of this employment. Plaintiff is
 4 currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
A C & S	A C & S Unknown location	Insulator	3/1985-4/1985

5 Job Duties: Plaintiff is currently unable to recall the specifics of this employment. Plaintiff is
 6 currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Thorpe Insulation	Chevron Refinery Wilmington, CA	Insulator	4/1985-6/1985
	Chevron Refinery Shop Wilmington, CA		

7 Job Duties: Plaintiff replaced insulation on the coker and pipes. At the shop, plaintiff created
 8 new insulation pads. Plaintiff opened the insulation pads and removed the asbestos filling.
 9 Plaintiff would then use the insulation pads as patterns to replicate the shape and size. Plaintiff
 10 cut fiberglass for the new insulation pads and sewed up the pads. Plaintiff recalls the following
 11 co-workers: Fernando Gutierrez, Chino, California; Sam Slot, deceased; brother-in-law Luther
 12 Shaw, San Diego, California; and Adrian (last name unknown), Las Vegas, Nevada. Plaintiff
 13 worked near the following trades: laborers cleaning and sweeping, pipefitters replacing and repair
 14 pipes, and welders welding on pipes. Plaintiff currently contends that he was exposed to asbestos
 15 during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	Performance Contracting Inc., Unknown location	Insulator	6/1985-7/1985; 9/1985-12/1985

16 Job Duties: Plaintiff is currently unable to recall the specifics of this employment. Plaintiff is
 17 currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	National Steel & Shipbuilding, San Diego, CA	Insulator	1/1986-3/1986; 5/1986-12/1986

18 Job Duties: Plaintiff recalls this was new construction and repair work. Plaintiff repaired
 19 insulated pipes and boilers in the engine room and throughout the ships. Plaintiff recalls the
 20 following trades working near him: electricians, laborers, painters, welders, sandblasters,
 21 pipefitters, boilermakers, shipfitters, and carpenters. Plaintiff currently contends that he was

1 exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
AC & S	Los Angeles Department of Water and Power, Los Angeles, CA	Insulator	1/1987-2/1987; 7/1987; 9/1987

5 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
6 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	Performance Contracting Inc., Unknown location	Insulator	2/1987-4/1987

10 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
11 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
A C & S	A C & S Unknown location	Insulator	4/1988

15 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
16 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Tri-County	Tri-County Unknown location	Insulator	8/1988-10/1988

19 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
20 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
JFI	JFI Unknown location	Insulator	9/1989

24 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
25 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
A C & S	A C & S Unknown location	Insulator	11/1989

28 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware

1 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Dittmore	Dittmore Unknown location	Insulator	12/1989

5 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Bechtel	PG & E Diablo Canyon Powerhouse CA	Insulator	early 1990's

10 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Mission	Mission Unknown location	Insulator	3/1990-5/1990

15 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	Performance Contracting Inc., Unknown location	Insulator	5/1990-10/1990

20 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Thorpe Insulation	Chevron Refinery Wilmington, CA	Insulator	2/1991-3/1991

24 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Department of Water & Power	Los Angeles Department of Water & Power, Los Angeles, CA	Insulator	5/1991

1 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 2 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Cherne	Unknown Refinery Long Beach, CA	Insulator	2/1992

5 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 6 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Pac Therm	Pac Therm Unknown location	Insulator	7/1992

10 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 11 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	Performance Contracting Inc., Unknown location	Insulator	3/1993-7/1993; 9/1995-10/1995

15 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 16 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Metalclad	Metalclad Unknown location	Insulator	11/1996-2/1997

19 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 20 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Trico	Trico Unknown location	Insulator	3/1997-4/1997

24 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 25 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Bechtel	Bechtel Unknown location	Insulator	5/1997

28 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware

1 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Trico	Trico Unknown location	Insulator	12/2001-4/2002

5 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
6 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Metalclad	Metalclad Unknown location	Insulator	5/2002-6/2002

10 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
11 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Trico	Trico Unknown location	Insulator	7/2002-9/2002

14 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
15 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Cherne	Cherne Unknown location	Insulator	12/2002-2/2003

19 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
20 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Avalotis	Burbank Department of Water and Power, Burbank, CA	Insulator	1/2005-5/2005

24 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
25 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
F. Rodgers Insulation	Redlands Powerhouse Redlands, CA	Insulator	5/2005-10/2005
Far West			12/2005

1 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 2 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	Mobil-Torrance Wilmington, CA	Insulator	3/2006-6/2006

5 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 6 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	National Steel & Shipbuilding, San Diego, CA	Insulator	9/2006-12/2006

10 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
 11 if he was exposed to asbestos during this employment.

12 Throughout plaintiff's career, he used JOHNS-MANVILLE lagging, blocks, and pipecovering;
 13 KEENE asbestos cement; 3M masks; TUFF BOND adhesive at refineries and shipyards; and
 14 CHICAGO FIRE BRICK refractory bricks. Plaintiff worked with the following co-workers in
 15 some time frame: Lawrence "Buddy" Rogers, c/o Brayton•Purcell LLP at San Onofre Nuclear
 16 Power Plant, California; and Scott Abbott, c/o Brayton•Purcell LLP at Los Angeles Department
 17 of Water and Power, Los Angeles, California.

18 For the purpose of this case, plaintiff currently does not contend exposure to asbestos after 1986.

19 NON-OCCUPATIONAL EXPOSURE:

20 FRiction EXPOSURE:

21 1967 FORD GTO: Plaintiff purchased a used car in 1979 or 1980. During that same year,
 22 plaintiff replaced the original carburetor, original manifold, original header gaskets, and brakes.
 23 Plaintiff purchased a HOOKER HEADERS gasket kit. Plaintiff was assisted by cousin Henry
 24 Conwright, San Diego, California.

25 1981 MAZDA 626 Coupe: Plaintiff purchased this car new in 1981. Plaintiff replaced the
 26 original brakes and was assisted by cousin Henry Conwright, San Diego, California.

27 Plaintiff and his cousin, Henry Conwright, San Diego, California, purchased A.C. DELCO
 28 brakes for majority of the cars they worked on from KRAGEN, Euclid Avenue, San Diego,
 California; and AUTOZONE, Federal Boulevard, San Diego, California. Plaintiff currently
 contends that he was exposed to asbestos during this vehicle repairs.

Plaintiff's investigation and discovery are continuing.

26 27. Yes.

27 a. Heat & Frost Asbestos Union Local 5, 670 East Foothill Boulevard, #2,
 28 Azusa, California 91702.

1 authorizations for release of this information. Plaintiff's investigation and discovery are
2 continuing.

3 39. The total medical expense is unknown at this time and plaintiff has provided
4 authorizations for release of this information. Plaintiff's investigation and discovery are
5 continuing.

6 40. No.

7 41. No.

8 42. Plaintiff currently is not claiming any wage or earning loss.

9 43. No.

10 44. No.

11 45. No.

12 46. No.

13 47. No.

14 48. No.

15 49. No.

16 50. No, plaintiff's investigation and discovery are continuing.

17

18 Dated: 5/31/07

BRAYTON PURCELL LLP

19 By:

20 Eric C. Solomon
21 Attorneys for Plaintiff

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1 VERIFICATION TO FOLLOW

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BRAYTON◆PURCELL LLP
ATTORNEYS AT LAW
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PROOF OF SERVICE

I, Joyce Diala, do hereby declare and state:

I am employed in the city of Petaluma, County of Sonoma, California. I am over the age of 18 and not a party to the within action. My business address is 1009 Clegg Court, Petaluma, CA 94954.

On MAY 14 2007, I served the within:

Answers to Interrogatories

Re: William Matthias Sr

on the parties in this action by placing a true copy thereof in a sealed envelope, and envelope addressed as follows:

By mail Service:

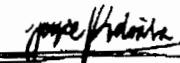
SEE ATTACHED LIST

(Defendants that are crossed out are not being served)

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail. Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date the said envelope was collected for the United States Postal Service following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed MAY 14 2007, at Petaluma, California.


Joyce Diala

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Matter Number: 104205.001 - William Matthis

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 Pacific Gas & Electric Company (PG&E)

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